

# **EXHIBIT A**



**Bunzel, Sharon M.**

**From:** Bunzel, Sharon M.  
**Sent:** Wednesday, May 27, 2009 9:48 PM  
**To:** 'foreman@freelandlaw.com'; 'pkellymc@pacbell.net'; 'RCampbell@CoastLawGroup.com'; 'bernhard@freelandlaw.com'; 'seyamack@coastlawgroup.com'; 'LPresiado@rusmiliband.com'  
**Cc:** Eberhart, David; Kennedy, Colleen  
**Subject:** eBay v. DPS, et al.  
**Attachments:** #766735 v1 - Stipulation re page limit of Opp to MTD SAC.doc

Counsel:

Attached is a proposed stipulation to extend the page limit for a consolidated opposition to the pending Motions to Dismiss and Motion to Transfer. Please let us know as soon as possible whether you will agree to the stipulation and whether we have your permission to sign the stipulation on your behalf. Given the significant commonality of issues raised by the various briefs, we trust you will agree that this request is reasonable and thereby obviate the need for a motion on this administrative issue.

Thank you in advance for your cooperation in this matter.

Sharon

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5/29/2009



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Attorneys for Plaintiff eBay Inc.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

EBAY INC.,

Plaintiff,

v.

DIGITAL POINT SOLUTIONS, INC.,  
SHAWN HOGAN, KESSLER'S  
FLYING CIRCUS, THUNDERWOOD  
HOLDINGS, INC., TODD DUNNING,  
DUNNING ENTERPRISE, INC., BRIAN  
DUNNING, BRIANDUNNING.COM,  
and DOES 1-20,

Defendants.

Case No. C 08-04052 JF

**STIPULATION TO EXTEND PAGE  
LIMIT FOR PLAINTIFF EBAY  
INC.'S CONSOLIDATED  
OPPOSITION TO DEFENDANTS'  
MOTIONS TO DISMISS THE  
SECOND AMENDED COMPLAINT  
AND DEFENDANTS DIGITAL  
POINT SOLUTIONS, INC., AND  
SHAWN HOGAN'S MOTION TO  
TRANSFER**



1 The parties hereto, Plaintiff eBay Inc., and Defendants Digital Point Solutions,  
2 Inc., Shawn Hogan, Thunderwood Holdings, Inc., Kessler's Flying Circus, Brian  
3 Dunning, Briandunning.com, Todd Dunning, and Dunning Enterprise, Inc., by and  
4 through their respective counsel of record, hereby stipulate as follows:

5 WHEREAS, Plaintiff filed the Second Amended Complaint ("SAC") on March 26,  
6 2009;

7 WHEREAS, Defendants moved to dismiss the SAC for failure to state a claim in  
8 three separate motions on April 27, 2009;

9 WHEREAS, Defendants' three separate Motions to Dismiss totaled approximately  
10 58 pages and consisted of several similar legal and factual arguments;

11 WHEREAS, Defendants Digital Point Solutions, Inc., and Shawn Hogan filed a  
12 Motion to Transfer on May 22, 2009;

13 WHEREAS, the Motion to Transfer totaled 12 pages and consisted of several legal  
14 and factual arguments similar to those made in the Motions to Dismiss;

15 WHEREAS, rather than filing four separate oppositions to the pending motions,  
16 eBay may file a consolidated Opposition to Defendants' Motions to Dismiss and Motion  
17 to Transfer;

18 WHEREAS, under Civil L. R. 7-4(b) for the United States District Court for the  
19 Northern District of California, a memorandum of points of authorities may not exceed 25  
20 pages of text, unless the Court orders otherwise;

21 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and  
22 between the undersigned counsel for eBay and Defendants, subject to the approval of the  
23 Court, as follows:

24 Given the length and similarities of the three separate Motions to Dismiss and  
25 Motion to Transfer, plaintiff eBay shall have ten (10) additional pages for any  
26 consolidated memorandum of points and authorities in opposition to the three Motions to  
27 Dismiss the SAC and Motion to Transfer, thereby increasing the page limit to a total of  
28 thirty-five (35) pages.



1 DATED: May \_\_, 2009  
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DAVID R. EBERHART  
SHARON M. BUNZEL  
COLLEEN M. KENNEDY  
O'MELVENY & MYERS LLP

5 By: /s/ David R. Eberhart  
6 DAVID R. EBERHART

7 *Attorneys for Plaintiff eBay INC.*

8 DATED: May \_\_, 2009  
9  
10

Seyamack Kouretchian  
Coast Law Group, LLP

11 By: /s/ Seyamack Kouretchian  
12 SEYAMACK KOURETCHIAN

13 *Attorneys for Defendant Digital Point and*  
14 *Defendant Shawn Hogan*  
15 .

16 DATED: May \_\_, 2009  
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18

Leo J. Presiado  
Rus, Miliband & Smith, APC

19 By: /s/ Leo J. Presiado  
20 LEO J. PRESIADO

21 *Attorneys for Defendant Thunderwood*  
22 *Holdings, Inc.; Brian Dunning; and*  
23 *BrianDunning.com*  
24 .  
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26  
27  
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1 DATED: May \_\_, 2009

Patrick Kelly McClellan  
Law Offices of Patrick K. McClellan

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By: /s/ Patrick Kelly McClellan  
PATRICK KELLY  
MCCLELLAN

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*Attorneys for Defendant Kessler's Flying  
Circus*

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DATED: May \_\_, 2009

Stewart H. Foreman  
Freeland Cooper & Foreman LLP

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By: /s/ Stewart H. Foreman  
STEWART H. FOREMAN

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*Attorneys for Defendant Todd Dunning*

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